

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LASHANNA SEXTON,

Plaintiff,

v.

No. CV 21-868 SCY/CG

DREAM STREET L.L.C., et al.,

Defendants.

**ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court on review of the record. On September 3, 2021, Plaintiff Lashanna Sexton filed a Complaint against Defendants Dream Street L.L.C. and David Streubel. (Doc. 1). That same day, a Summons issued as to Defendants.

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the summons on the defendant “on or after filing the complaint.” The Rule further provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” FED. R. Civ. P. 4(m).

Here, more than 90 days have elapsed since Ms. Sexton filed her Complaint, and the record does not show that Defendants have been served. The Court finds, pursuant to FED. R. Civ. P. 4(m), that Ms. Sexton must either effect service or show good cause why the Defendants have not been timely served with the Summons and Complaint. Failure to comply with this Court’s order will result in the recommendation that the Complaint be dismissed without prejudice.

**IT IS THEREFORE ORDERED** that, on or before **February 3, 2022**, Ms. Sexton shall effect service, show cause why the Defendants have not been served, or otherwise show cause why this case should not be dismissed for want of prosecution.

**IT IS SO ORDERED.**



THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE